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| 10/003,013 | 11/02/2001 | Stephen G. Price | BLD920010005US1 | 3334 |
| 23334 7590 08/03/2007 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487 | | | EXAMINER TANG, KAREN C | |
| | | | ART UNIT 2151 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/003,013

Applicant(s)

PRICE ET AL.

Examiner

Karen C. Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/7/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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- This action is responsive to the amendment and remarks file on 8/7/07.
- Claims 1-8, 10-19, 21-33 are presented for further examination.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/7/07 have been fully considered but they are not persuasive.

Applicant argues that the cited art Parry does not disclose or suggest interpreting HTTP "within the printer".

Examiner respectfully traverses the argument.

Parry indicates the use of network protocol is a HyperText Transfer Protocol, wherein the interpreting interprets, within the printer, the dataset conforming to the HyperText Transfer Protocol defining the operator display definition that was generated in the processor within the printer (refer to 0026-0029).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10-19, 21-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1, 11, 12 and 22, Lines 10 indicates there is a display of the printer" and Line 9 has also indicates there is a "display on a printer display". It is not certain whether

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there are two different printer displays or if that there are the same printer display. For the examining purpose, a printer display on both lines 9 and 10 will be viewed as the same element.

In Claims 6, 17, and 27, because the term “periodically” is broad and indefinite, therefore, the limitation of Claims 6, 17, and 27, is interpreted as generating the operator display definition whenever the user desires to update the configurations of the printing jobs.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-8, 10-13, 15-19, 21-29, 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Parry et al hereinafter Parry (US2002/0196460).

1. Referring to Claims 1, 11, 12, 22, 32 and 33, Parry disclosed a printer operator interface,
generating a printer operator display definition in a processor within a printer (printer protocol generates the data by utilizing the protocol, refer to 0026 and 0029),
wherein the operator display definition defines a printer operator interface display and
wherein the operator display definition is defined by a dataset conforming to a network protocol (refer to 0026 and 0029),

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interpreting, within the printer and according to the network protocol (it is inherent that the network device such as printer, must receive messages and process messages according to the network protocol, 0026), the dataset defining the operator display definition to produce an interpreted operator interface display for display on a printer display (code language that was received from the network stations, which defines the operator display definition, refer to 0035);

and displaying, on a display on the printer, the interpreted operator interface display produced by the interpreting, within the printer and according to the network protocol, of the operator display (refer to 0024, LCD displays all the possible indicators, Notes: the attorney indicates in the remark/argument filed on 01/25/06 that “It is well-known in the art that printers and other devices provide indicators of status via built-in lights and or text or graphics displays, and that network-connected devices also provide status over the network using any number of standard e.g., SMTP, SNMP, HTTP or proprietary network protocol provides a means of user input to control or adjust the printer or other device.

That means, for network devices such as the printer disclosed in Parry, that the network printer utilizes the standard protocols, and the message received from the workstations or remote devices is inherently converted to the appropriate protocol in order to process the information.).

2. Referring to Claims 4, 15 and 25, Parry indicates wherein the step of generating the operator display definition is performed in response to an operating parameter within the printer changing independent of user input (refer to 0051 and 0053 and 0054).

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3. Referring to Claims 5, 16, and 26, Parry indicates wherein the operating parameter is categorized as at least one of a priority parameter, a paper jam indicator and an out of paper indicator (priority, refer to 0053).

4. Referring to Claim 6, 17, and 27, Parry indicates wherein the step of generating the operator display definition is performed periodically with a time period (the time period is broad, therefore, it is being interpreted whenever the users want to update the configuration, refer to 0053).

5. Referring to Claims 7, 18, and 28, Parry indicates wherein the time period is adjusted according to at least one of an operating state of the printer and an error state of the printer (refer to 0053).

6. Referring to Claims 8 and 19, Parry indicates accepting an operator input for the printer through means associated with the operator interface display, and controlling a function within the printer in response to the operator input (when to print, page source, page color, etc, entered via operator display, refer to 0050-0055).

7. Referring to Claim 10, 21, 24, and 31, Parry indicates wherein the step of accepting utilizes at least one of a pointing device, a keyboard, handwriting recognition, and a touch screen input (keyboard, refer to 0058).

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8. Referring to Claim 29, Parry indicates accepting an operator input associated with the operator interface display, and controlling a function within the printer in response to the operator input (refer to 0053-0055).

9. Referring to Claims, 2, 13, and 23, Parry indicates the use of network protocol is a HyperText Transfer Protocol, wherein the interpreting interprets, within the printer, the dataset conforming to the HyperText Transfer Protocol defining the operator display definition that was generated in the processor within the printer (refer to 0026-0029).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 14, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al hereinafter Parry (US2002/0196460) in view of Miyoshi et al hereinafter Miyoshi (US 7,180,616).

10. Referring to Claims 3, 14, and 30, Parry indicates wherein the operator display definition comprises data for an image display (refer to 0060).

Although Parry disclosed the invention substantially as claimed, Parry is silent regarding the display definition comprising data for image, one or more of a video, a sound file and an animation display.

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Miyoshi, in an analogous art disclosed display definition comprises data for image, one or more of a video, a sound file and an animation display (refer to Col 5, Lines 10-25).

Hence, providing features disclosed by Miyoshi, would be desired for a user to implement in order to expedite the printing process and lower the communication costs during the wait.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Parry by including the features disclosed by Miyoshi.

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Conclusion

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Examiner's Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571)272-3440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT


VALENCIA MARTIN-WALLACE
PRIMARY EXAMINER